

Application Serial No. 09/943,109  
Attorney Docket No. 60027.0307US01/BS01158

### REMARKS

This Amendment is in response to the Office Action mailed November 30, 2006. Claims 1-22 were examined in the Office Action. Claims 1-22 were rejected. Claims 17 and 20-22 have been further amended to provide claims of varying scope than those previously filed. Applicant respectfully requests reconsideration and examination in view of the following remarks.

#### Claim Rejections – 35 USC § 102(b)

Claims 1-22 were rejected under 35 U.S.C. 102(b) as being anticipated by Hillson et al., U.S. Patent No. 6,094,644 (hereinafter, "Hillson et al."). Applicant respectfully submits, however, that Hillson does not disclose each and every element of independent claims 1, 17 and 31.

#### Claim 1, 17, and 31

Amended claim 1 is allowable over the cited reference at least because it recites "notifying a user of predefined timer information wherein the predefined timer information includes the time limits minus a value of the timer usage variable." This amendment is supported in the specification at least on page 4, lines 15-19. Claims 17 and 31 have similar recitations.

In contrast Hillson discloses an apparatus and method for recording actual time used by a service that makes request of data. However, Hillson does not disclose timer information that includes a time limit associated with a timer minus a value of a time usage variable associated with that same timer. Hillson only records time during which a service is in operation. Hillson does not disclose a time block having time limits and is silent with respect to notifying a user of a difference between time limits and a time usage variable. The duration of the service use is equal to the recorded time. (See Hillson abstract, column 12 lines 24-31, and column 13, lines 46-54). Thus, the rejection of claims 1, 17, and 31 under 35 U.S.C. §102 should be withdrawn.

#### Dependent Claims

Amended claim 2 is allowable over the cited reference at least because it recites "a first timer usage variable and the second timer usage variable that can accumulate time simultaneously." This amendment is supported in the specification at least on page 4, paragraph 13. Claim 31 has a similar recitation.

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In contrast, a second timer or rate disclosed in Hillson measures a data arrival rate and compares it with a threshold. The second timer of Hillson disables the first timer, thus the two timers of Hillson cannot accumulate time simultaneously. (See Hillson abstract, column 12 lines 24-31, and column 13, lines 46-54). Thus, claims 2 and 31 are allowable over Hillson for at least this reason.

Regarding claims 2-3, 6-16, 18, and 20- 22, Applicant submits that claims 2-3, 6-16, 18, and 20- 22 are in condition for allowance by virtue of their dependency on amended claims 1 or 17. MPEP §2143.03 citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests withdrawal of the rejection to claims 2-3, 6-16, 18, and 20- 22. Regarding the Examiner's additional assertions, which have not been addressed specifically, Applicant respectfully submits that these arguments are moot in view of the above remarks. Accordingly, in view of the above arguments, Applicant respectfully submits that claims 2-3, 6-16, 18, and 20- 22, are in condition for allowance.

### CONCLUSION

Applicant respectfully requests that this response be entered, thereby placing the claims in condition for allowance. Applicant respectfully submits that the remarks and explanation do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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